IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22217 of 2004

Between:

B. Ramaiah, S/o. Seshaiah,
R/o. Srinivasapuram Village, Pondugula Grampanchayat,

Dachepally Mandal, Guntur District.

..... PETITIONER

AND

The Assistant Commissioner, Endowments Department, Guntur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent taking steps to appoint non-hereditary trusties of Sri Anjaneya Swamy Temple, Ayyavaripalem Village, Dachepally Mandal, Guntur District without due process of law i.e. without notification or information to the existing trusties and Grampanchayat by not following various provisions of Endowments laws is illegal, arbitrary and violation of principles of natural justice and fundamental rights, consequently direct the respondent to allow principles of new trusties or Chairman of the Sri Anjaneya Swamy Temple, Ayyavaripalem Village, Dachepally Mandal, Guntur District

Counsel for the Petitioner:MR.KOONA REDDY ANJI REDDY

Counsel for the Respondent : GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

ORDER:

Petitioner claims to have been appointed as Chairman of the Committee of non-hereditary trustees, of Sri Anjaneya Swamy Temple of Ayyavaripalem Village, Dachepally Mandal, Guntur District. His grievance is that the respondent is taking steps to appoint a committee of non-hereditary trustees to the same temple without any intimation to him and without issuing any notification.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

Though the petitioner claims to have been appointed as Chairman of the said Committee, it is not known when the term had expired and what steps have been taken thereafter. The petitioner has not placed any record before this Court to show that he continues to be the trustee or chairman of the Trust Board as of now. If the respondent is taking any steps to constitute the Trust Board for the Temple, it shall always be open to the petitioner also to apply for the same. Further, it is not as if the consideration is confined only to those persons who make applications. Respondent has to take into account the interest and welfare of the Temple as well as the competence and character of the persons, while appointing the trustees.

Hence, the writ petition is disposed of leaving it open to the petitioner to apply to the 2nd respondent, to be considered for appointment, as trustee, and in such an event, the case of the petitioner shall also be considered along with other persons. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 2nd December, 2004

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To

1 The Assistant Commissioner, Endowments Department, Guntur.

2 2 CCS to the G.P. for Endowments, High Court of A.P., Hyderabad (OUT).

3 2CD copies